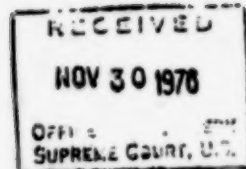


J.
H.

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No. 75-7005

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1976

TONY LEROY WATKINS, PETITIONER

vs.

UNITED STATES OF AMERICA

ON PETITION FOR A WRIT OF CERTIORARI TO THE
UNITED STATES COURT OF APPEALS FOR
THE FIFTH CIRCUIT

SUPPLEMENTAL MEMORANDUM FOR PETITIONER

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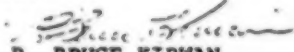
ON PETITION FOR A WRIT OF CERTIORARI TO THE
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SUPPLEMENTAL MEMORANDUM FOR PETITIONER

This supplemental memorandum is submitted in response to the court's request that the parties address the question of the applicability of Prussian v. United States, 282 U.S. 675 (1931), to this case.

Petitioner has received the supplemental memorandum filed by the United States, and in view of the government's apparent "confession of error", Petitioner adopts the reasoning set forth in the supplemental memorandum submitted by the United States. Therefore, Petitioner respectfully requests that the judgment of the Court of Appeals should be reversed and the case remanded with instructions to dismiss the indictment pursuant to this Court's Rule 40(1)(d)(2).

Respectfully Submitted.


P. BRUCE KIRWAN